

Whitt Law Firm, LLC

ATTORNEYS AND COUNSELORS AT LAW

ADMITTED TO THE UNITED STATES
SUPREME COURT BAR (1996)

“A VETERAN OWNED LAW FIRM”

OF COUNSEL:

RICHARD L. WHITT

JEFFERSON D. GRIFFITH, III

401 WESTERN LANE, SUITE E,
IRMO, SOUTH CAROLINA 29063
MAILING ADDRESS: POST OFFICE BOX 362
IRMO, SOUTH CAROLINA 29063
TELEPHONE: (803) 995-7719

November 16, 2020

VIA, ELECTRONIC MAIL AND E-FILINGThe Honorable Jocelyn Boyd
Chief Clerk/Executive Director
Public Service Commission of South Carolina

- Re:
- Exploration of a South Carolina Competitive Procurement Program for the Competitive Procurement of Energy and Capacity from Solar and Other Renewable Energy Facilities by an Electrical Utility as Allowed by South Carolina Code Section 58-41-20(E)(2) (See Directive Issued on November 25, 2019)
 - Docket 2019-365-E
 - Request

Ms. Boyd:

This Request is provided on behalf the South Carolina Solar Business Alliance, Inc. (“SCSBA”). I respectfully request that the Commission consider this Request in the above referenced Docket.

I write regarding procedural issues in this matter, raised in the November 3, 2020, letter of Dominion Energy South Carolina, Inc. (“DESC”), and the November 10, 2020 letter of Duke Energy Carolinas LLC and Duke Energy Progress LLC (collectively, “Duke”). As explained more fully below, SCSBA believes that it would be in the interest of all parties, and of DESC’s ratepayers, to divide proceedings in this docket into phases, each for the purpose of considering competitive procurement programs within a specific utility’s balancing authority area, and to focus the initial phase (including the December 10, 2020 hearing and associated testimony) on a near-term DESC procurement. Initiating concurrent separate utility-specific dockets, as suggested by DESC, could make it impossible to meet the Q3, 2021 target date for a competitive procurement that would be required to fully realize the potential ratepayer benefits of the 22% federal Investment Tax Credit (“ITC”) in a procurement.

SCSBA appreciates this Commission's efforts to take action under Act 62's authorization to explore the creation of "programs for the competitive procurement of energy and capacity from renewable energy facilities by an electrical utility within the utility's balancing authority area if the commission determines such action to be in the public interest." S.C. Code Ann. § 58-41-10(E)(2). SCSBA submits that this Commission's first priority should be to move forward with a near-term DESC-specific procurement to be concluded by Q3, 2021, so that bidders can take advantage of the 22% ITC and those cost savings can be passed on to ratepayers. The potential benefits of such a procurement, and a high-level action plan for completing a procurement by Q3, 2021, are described in the late-filed exhibit provided by SCSBA in response to a request by this Commission at the recent hearing on DESC's Integrated Resources Plan ("IRP").¹ The potential benefits of a near-term DESC procurement were also discussed in the testimony of DESC's, SCSBA's, ORS's, and other Intervenor's witnesses at the hearing.

To achieve the goal of making the ITC's benefits available to DESC ratepayers through a Q3, 2021 procurement, this Commission must move forward expeditiously to establish DESC-specific near-term procurement procedures. Opening a new DESC-specific docket at this juncture would make it extremely difficult to achieve that goal, because deadlines for testimony and a hearing would likely have to be pushed out well into 2021. DESC, as its filings in the docket already demonstrate, has ample notice of this proceeding and should be well equipped to submit its preferences regarding a competitive procurement program procedure, as well as any substantive objections it may have to competitive procurement generally, to this Commission in a timely manner.

SCSBA therefore respectfully requests that this Commission give notice that it is sequencing this docket to focus on competitive procurement for DESC first, and for Duke later; and clarify that the December 10, 2020, hearing and associated testimony focus on establishing a procedure for conducting competitive procurement in DESC's balancing authority area, including measures to ensure that such a procurement would be in the interest of ratepayers.² Given that Duke already has a combined South and North Carolina-specific procurement

¹ Docket No. 2019-226-E, Hearing Exhibit No. 13 (filed Oct. 21, 2020).

² In its Proposed Order in the DESC IRP docket, SCSBA has requested that DESC be required to file, within 30 days of the date of a Commission Order, additional production cost modeling results intended to show whether, and at what pricing, the procurement of additional solar and / or storage PPAs in the near term would be beneficial to ratepayers. Docket No. 2019-229-E, *Joint Proposed Order of South Carolina Solar Business Alliance, Southern Alliance For Clean Energy and South Carolina Coastal Conservation League, and Sierra Club* (filed Nov. 9, 2020) at 82-84, 92-93.

program underway (the Competitive Procurement of Renewable Energy Program authorized by N.C. HB 589), there is less urgency in formulating a Duke-specific procurement program authorized under Act 62.

Focusing the initial phase of the docket on a near-term DESC-specific procurement is well within the statutory authorization for this docket. And given the broad scope of this docket as initially noticed by this Commission, and the fact that DESC has been an active participant in this docket since its inception, neither DESC nor any other party would suffer any prejudice if this Commission were to steer the docket in this direction.³ Finally, it should be noted that any decisions made regarding DESC competitive procurement in this docket could be reexamined in future proceedings or a separate phase of the current docket, so that this Commission and all interested parties can refine competitive procurement procedures going forward.

Respectfully Submitted,
WHITT LAW FIRM, LLC

Richard L. Whitt,
*As Counsel for the South Carolina Solar Business
Alliance, Inc.*

RLW/cas

cc: All parties of record in Docket 2019-365-E, *via electronic mail*

³ Although time is of the essence, SCSBA would not object to a limited extension of time, on the order of a few weeks, for testimony and a hearing if that were required for DESC to prepare its initial testimony.